

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LEWIS JOHN,

Plaintiff,

v.

DEPUTY MARK C. BERRY, *et al*,

Defendants.

Case No. C05-5694RJB

SECOND ORDER TO SHOW
CAUSE

This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Magistrates Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure. The case is before the court upon the court's review of the complaint. After reviewing the complaint and the balance of the record, the Court finds and orders as follows:


On January 12, 2006, the court issued an order to show cause, directing plaintiff to cure certain deficiencies in his complaint, and to cure those deficiencies, if possible, by filing an amended complaint. (Dkt. #9). In response, plaintiff filed a document titled motion to amend complaint under 42 U.S.C. § 1983. (Dkt. #12). It appears, however, that plaintiff may have intended that document to be an amended complaint, rather than a motion to amend one. In other words, it is not clear to the court how it is to treat Dkt. #12, i.e., as a motion or an amended complaint.

If plaintiff intended Dkt. #12 to be a motion, it is an insufficient response to the court's order to show cause, which required him to file an amended complaint. If plaintiff intended it to be an amended

1 complaint, it is not in proper form. To the extent, therefore, plaintiff intended Dkt. #12 to be an amended
2 complaint, he shall re-file it with the court, using the court-approved section 1983 complaint form to do so,
3 by **no later than April 10, 2005**. If the amended complaint is not timely filed on the proper form, the
4 court will recommend dismissal of this action.

5 The clerk is directed to send plaintiff the appropriate forms so that he may file an amended
6 complaint. The clerk is further directed to send a copy of this Order to plaintiff.

7 DATED this 10th day of March, 2006.

8
9
10 

11 Karen L. Strombom
12 United States Magistrate Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28